

REMARKS

This RCE amendment is in response to the final Office action (Paper No. 8) mailed 6 May 2004. Upon entry of this amendment, claims 1, 3, 4 and 7-22 will be pending in this application. Applicant has amended claims 3, 8, 9, 10 and 13 by this amendment and has newly added claims 21 and 22 by this amendment.

Applicant is amending claim 3 by this amendment to correct for an inadvertent error to remedy an antecedent basis problem.

In paragraphs 3-5 of Paper No. 8, the Examiner has rejected claims 8-12 under 35 U.S.C. 112, second paragraph. Applicant has amended claims 8, 9 and 10 by this amendment to overcome this rejection.

Applicant will now address the prior art rejections of Paper No. 8:

1. Claims 1, 3, 4, 7, 8, 9 and 20 vis-a-vis Na '957

In Paper No. 8, the Examiner rejected claims 1, 4, 7 and 8 under 35 U.S.C. 102 (e) as being anticipated by newly cited U.S. Patent No. 6,366,957 to Na. In Paper No. 8, the Examiner also rejected claims 3, 9 and 20 under 35 U.S.C. 103 (a) as being unpatentable over Na '957. Applicant traverses these rejections.

Na '957 pertains to a computer network where a supervisor system can wake up a computer by sending a magic packet to the computer over a wired network 100. In other words, the Examiner is attempting to equate the supervisor computer of Na '957 with Applicant's remote controller. Applicant disagrees. Applicant submits that a supervisor computer cannot be a remote controller of a computer connected to it over a wired network. **Applicant submits that remote controllers are wireless and handheld**, something that the supervisor computer of Na '957 is not.

In Paper No. 8, the Examiner acknowledges that the network in Na '957 is not wireless. The Examiner then takes Official Notice that wireless networks are common. Applicant challenges this Official Notice.

Then, the Examiner concludes that it would have been obvious to use a wireless network in Na's remote wake-up method for ease of setup. Applicant disagrees. Applicant submits that at the time of the invention, it would not have been obvious to provide a wireless network with wake-up capabilities.

In independent claim 1, Applicant claims that it is the remote controller that is activated to wake up a computer. Applicant submits that a remote controller implies a handheld wireless device. Applicant is hereby presenting evidence to this effect. For example, Microsoft's remote control for Windows is a wireless hand held device. This document can be seen on

http://msdn.microsoft.com/library/en-us/dnwm/html/remote_control.asp?frame=true. Applicant has entered this document into the file wrapper. This document clearly shows the remote control for the computer as both hand held and wireless. Also, on pages 1135 and 1136 of Webster's New World Dictionary Third College Edition 1988, it defines a remote control as "a hand-held device used to control the operation of a television set, videocassette recorder, etc from a distance". This document has also been added to the file wrapper of the present application for evidence that a remote control device is a hand held and a wireless device, the hand-held and the wireless features being absent in Na '957 but present in Applicant's claimed invention. Because a remote control is hand-held and wireless, Applicant submits that it was inappropriate to use Na '957 to reject Applicant's claims 1, 3, 4, 7, 8, 9 and 20. Therefore, the prior art rejections to claims 1, 3, 4, 7, 8, 9 and 20 must be withdrawn.

2. Claims 16-18 vis-a-vis Rathbone and Mori '268

In Paper Nos. 6 and 8, the Examiner has rejected claims 16-18 under 35 U.S.C. 103 (a) as being unpatentable over Rathbone in view of U.S. Patent No. 4,754,268 to Mori. Applicant traverses this rejection.

Applicant's invention, as claimed in claims 16-18, is about a remote control. When a button is pushed on the remote control, *the remote control automatically sends a password (which is a security feature)* to the computer to do a password check with a password inside the computer and if the passwords are the same, the computer wakes up. Thus, Applicant's

invention is novel in that the password check is automatic, so that the user need not have to type in the password.

Mori '268 pertains to a wireless mouse that interacts with a computer. Mori '268 alludes to a programmable counter that can vary the carrier frequency of the transmitted FM signal so that a plurality of mice can operate in close proximity without interfering with each other. The Examiner relies on Rathbone for a teaching of wake up from a screen saver state. In Paper Nos 6 and 8, the Examiner relies on the frequency sent out from the mouse of Mori '268 as a suggestion of Applicant's automatic password feature. Applicant disagrees.

Applicant submits that the frequency used in Mori '268 is not the same or even an obvious variant of Applicant's claimed password. In Mori '268, in order to wake up the computer, the wireless mouse must be moved to wake up the computer but the user does not have to type in the password in Mori '268. Movement of the wireless mouse in Mori '268 is not a security feature. Anybody, including unauthorized users, can wake up the computer in Mori '268 by moving the wireless mouse. Thus, the frequency of the signal in Mori '268 is not a secure feature. For example, if the proper user of the computer leaves the room for a long period of time, and the computer goes into a reduced power state, and then an unauthorized user enters the room, the unauthorized user can wake up the computer simply by moving the wireless mouse. Thus, the frequency the wireless mouse puts out is not a security device like a password is. Applicant therefore submits that it was inappropriate for the Examiner to use the carrier

frequency of the mouse in Mori '268 as a teaching of Applicant's automatic password feature. Therefore, Mori '268 does not have a security device as no password is put out in Mori '268. And because neither Mori '268 nor Rathbone teach automatic activation of a password or automatic activation of any other security device, Applicant submits that the limitations of Applicant's claims 16-18 have not been met by the rejections of Paper Nos. 6 and 8. Therefore, the rejection to claims 16-18 must be withdrawn.

3. Claims 13-15 vis-a-vis Lord '806

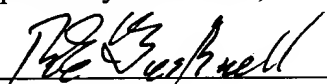
In Paragraph 7 of Paper No. 8, the Examiner has rejected claims 13-15 under 35 U.S.C. § 102 (b) using U.S. Patent No. 5,198,806 to Lord. Applicant has amended claim 13 to include the novel feature of the remote control being configured to automatically send the security information to the computer upon user activation of any button on the remote control to place these claims in condition for allowance.

Applicant has newly added claims 21 and 22 by this amendment to claim specifically that the remote control is wireless and hand held in an attempt to try to close prosecution quickly.

In view of the above, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. Reconsideration of the rejections and objections is requested. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

A fee of \$1,220.00 is incurred by the submission of the Request for Continued Examination (RCE) (\$790.00) and two months extension of time (\$430.00). Should the other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

Respectfully submitted,


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